

REMARKS

The applicant has studied the Office Action dated January 20, 1995, and has made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-58 are pending, claims 1 and 18 have been amended, and no claims are withdrawn from consideration. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

It is noted with appreciation that the restriction requirement set forth in the July 25, 1994 Office Action has not been maintained. The applicants consider the restriction as withdrawn, since we received and have now responded to an action on the merits of all pending claims 1-58.

Applicant has enclosed formal drawings to overcome the objections in the April 1, 1994 "Notice of Draftsperson's Patent Drawing Review." For clarity, informal drawing Fig. 16 has been divided into two formal drawings Figs. 16A and 16B. Therefore, it is respectfully submitted that the objection to the drawings should be withdrawn.

The specification has been carefully amended to correct grammatical and minor typographical errors. No new matter has been added.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rex et al. This rejection is respectfully traversed.

The Rex et al. reference discloses a mechanical pen-type injector device. To perform an injection, the patient inserts the needle under the skin and repeatedly depresses an applicator

1 until a count of the number of depressions equals the required dosage. The Rex et al. reference does not disclose the use of processors, memory, or blood characteristic monitors.

In the rejection, the Examiner stated that the Rex et al. reference "discloses ... a processor ... and a memory device." This statement is incorrect. The Rex et al. reference only describes a totally mechanical device, and no electronic circuitry is present. Thus, the Rex et al. reference does not disclose or suggest a processor or a memory device.

Claim 1 recites "a processor" and "a memory device." These features are not disclosed, taught or suggested by the Rex et al. reference. Thus, the rejection of claim 1, and claims 2-8 that depend from claim 1, should be withdrawn.

Claim 9 recites "a blood characteristic monitor," "a processor" and "a medication injector". A blood characteristic monitor is used to determine the amount of glucose, hormone levels, cholesterol levels or the like (see page 10, line 24 to page 11, line 4 of the application). These features are not disclosed, taught or suggested by the Rex et al. reference. Thus, the rejection of claim 9, and claims 10-17 that depend from claim 9, should be withdrawn. Therefore, it is respectfully submitted that the rejection of claims 1-17 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 8-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Muller. This rejection is respectfully traversed.

The Muller reference describes a device that uses an electronic motor to inject a specified amount of medication. The amount of medication is set by depressing keys on a dose set unit 15. An injection is performed by activating a separate starting unit 24 controlled by a cap 27. The Muller reference only

provides memory for storing values that set the next dosage to be administered, the Muller reference does not disclose, teach or suggest storing the amounts of medication that have been previously injected for later recall.

Claim 8 depends from claim 1, which recites "an injection mechanism including an actuator for setting the dosage and administering an injection ... and a memory device coupled to the processor to store the value equal to the dosage determined by the processor along with other values corresponding to previously injected dosages for later recall" (emphasis added). The Muller reference does not disclose, teach or suggest an injection device that uses a single actuator to set both the dosage and administer the injection. Also, the Muller reference does not disclose, teach or suggest using a memory device to store the current value equal to the dosage as well as other values corresponding to previously injected dosages. Moreover, dependent claim 8 recites a "data port." The Muller reference does not disclose, teach or suggest a data port of any kind. Thus, the rejection of claim 8 should be withdrawn.

Claim 9 recites "a blood characteristic monitor," "a processor" and "a medication injector". A blood characteristic monitor is used to determine the amount of glucose, hormone levels, cholesterol levels or the like (see page 10, line 24 to page 11, line 4 of the application). These features are not disclosed, taught or suggested by the Muller reference. Thus, the rejection of claim 9, and claims 10-17 and 30-35 that depend from claim 9, should be withdrawn.

Claim 18 recites "the injection end of the injection needle extending beyond the open end of the hollow cylindrical cover such that the open end of the hollow cylindrical cover contacts the skin during an injection" (emphasis added). The Muller reference does not disclose, teach or suggest a hollow

cylindrical cover that is attached to the base to protect the user from accidental pin pricks and which contacts the user's skin during an injection. The only disclosed hollow cylindrical portion of the Muller reference's needle is at the base of the needle. This portion is used to couple the needle to the Muller device, and the open end of this portion cannot contact the skin of the user during an injection. Also, the base recited in claim 18 is adapted to couple to an injector, while the recited "hollow cylindrical cover" is a different element that performs a different function. Thus, the rejection of claim 18, and claims 19-20 that depend from claim 18, should be withdrawn.

Claim 22 recites "a blood characteristic monitor," "a processor" and "a clock." A blood characteristic monitor is used to determine the amount of glucose, hormone levels, cholesterol levels or the like (see page 10, line 24 to page 11, line 4 of the application). These features are not disclosed, taught or suggested by the Muller reference. Thus, the rejection of claim 21, and claims 22-29 that depend from claim 21, should be withdrawn. Therefore, it is respectfully submitted that the rejection of claims 8-35 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 36-58 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harris. This rejection is respectfully traversed.

The Examiner cited a "Harris" reference. However, the Examiner did not specify which of the two Harris references cited by the applicant formed the basis for the rejection. Therefore, the applicant has reviewed both references and found that both Harris references describe a completely mechanical injection device. The described Harris devices do not include electronic circuitry of any kind. To operate the Harris devices, the patient twists an actuator knob to set the dosage. Then the user depresses the knob to inject a dose of insulin, after which the

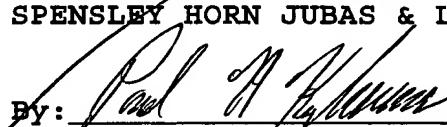
dosage is reset to 0. The Harris references do not disclose, teach or suggest blood characteristic monitors, processors or memory devices.

Claim 36 recites "a blood characteristic monitor," "a processor" and "a medication injector". A blood characteristic monitor is used to determine the amount of glucose, hormone levels, cholesterol levels or the like (see page 10, line 24 to page 11, line 4 of the application). Method claim 51 recites similar language. These features are not disclosed, taught or suggested by the Harris references. Thus, the rejection of claims 36 and 51, and claims 37-50 and 52-58 that depend from claims 36 and 51 respectively, should be withdrawn. Therefore, it is respectfully submitted that the rejection of claims 36-58 under 35 U.S.C. § 102(b) should be withdrawn.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (310) 553-5050 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,
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Date: February 23, 1995

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